

IN THE WATER COURT OF THE STATE OF MONTANA  
YELLOWSTONE DIVISION  
LITTLE MISSOURI RIVER BASIN ABOVE LITTLE BEAVER CREEK (39F)  
PRELIMINARY DECREE

\* \* \* \* \*

CLAIMANT: Pilster Ranch Corp

OBJECTOR: United States of America (Bureau of Land  
Management)

**CASE 39F-0119-R-2022**

39F 26509-00  
39F 26518-00  
39F 27576-00  
39F 27578-00  
39F 27579-00

**NOTICE OF FILING OF MASTER'S REPORT**

This Master's Report was filed with the Montana Water Court on the above stamped date. Please review this report carefully.

You may file a written objection to this Master's Report within **10 days** of the stamped date if you disagree or find errors with the Master's findings of fact, conclusions of law, or recommendations. Rule 23, W.R.Adj.R. If the Master's Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days to be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must serve a copy of the objection to all parties on the service list found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

**MASTER'S REPORT**

Water Right Claims 39F 26509-00, 39F 26518-00, 39F 27576-00, 39F 27578-00, and 39F 27579-00 appeared in the Preliminary Decree for the Little Missouri River,

above Little Beaver Creek (Basin 39F). Some of these claims received issue remarks. Issue remarks result from Department of Natural Resources and Conservation (“DNRC”) claims examination or by Water Court order. Claims examination confirms the historical use of water right claims and identifies issues with claims. If claims examination cannot confirm some aspect of a claim, an issue remark is added to the claim. These claims received objections filed by the United States of America (Bureau of Land Management).

The Court consolidated these claims into Water Court Case 39F-0119-R-2022 on September 7, 2022. The order set a deadline by which the United States was to notify the Court as to whether its objections are resolved by certain motions to amend. The United States filed a response on November 9, 2022. The Court set an additional filing deadline on December 13, 2022 seeking comment from Claimant. The Court did not receive further filings.

### **FINDINGS OF FACT**

1. Claim 39F 26509-00 appeared with the following issue remarks:

ON MAY 15, 1985 THE UNITED STATES OF AMERICA, BUREAU OF LAND MANAGEMENT FILED A LETTER STATING THAT THE PLACE OF USE AND POINT OF DIVERSION MAY BE INCORRECT. THIS WILL BE HEARD AFTER PROPER NOTICE ON THE NEXT OBJECTION LIST.

THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.

POINT OF DIVERSION AND RESERVOIR RECORD WERE MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

2. Claim 39F 27576-00 appeared with the following issue remarks:

THE OWNERSHIP OF THIS RIGHT MAY BE QUESTIONABLE. PART OR ALL OF THE PLACE OF USE APPEARS TO BE ON FEDERAL LAND.

SOURCE NAME WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

THIS CLAIM APPEARS TO BE CLAIMING FOUR SEPARATE SOURCES OF WATER. MORE THAN ONE WATER RIGHT MAY BE INVOLVED.

3. Claim 39F 27578-00 appeared with the following issue remarks:

THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.

THE PRIORITY DATE OF THIS CLAIM IS UNCLEAR AS MULTIPLE PRIORITY DATES HAVE BEEN CLAIMED. MORE THAN ONE WATER RIGHT MAY BE INVOLVED.

RESERVOIR RECORD WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 2.6 TIMES THE CAPACITY OF THE RESERVOIR.

4. Claim 39F 27579-00 appeared with the following issue remarks:

THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.

RESERVOIR RECORD WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 2.86 TIMES THE CAPACITY OF THE RESERVOIR.

5. Claimant filed motions to amend the above-captioned claims on September 29, 2020. The motions include maps and marked-up abstracts to support the requested amendments. These motions appeared to have been filed in response to the objections filed by the United States of America.

6. In its November 9, 2022 response, the United States included the following statement:

The amendments requested in the motions to amend resolve the United States' objections to the above-captioned claims, except for Claim 39F 27576-00. With respect to that claim, the United States' objections would be resolved by implementation of the amendments as well as the removal of Point of Diversion ID No. 4, NENENW Section 33, Township 8S Range 58E, which is on federal land administered by the Bureau of Land Management.

7. The Court's December 13, 2022 order, the Court requested Claimant indicate agreement or disagreement with the United States' proposal regarding Claim 39F 27576-00. The Court did not receive a response. The Court included language in that order indicating a lack of response would be interpreted as agreement with the proposal.

8. The point of diversion and reservoir location of Claim 39F 26509-00 should be described as follows:

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSESE	12	8S	57E	CARTER
<b>Period of Diversion:</b>		JANUARY 1 TO DECEMBER 31				
<b>Diversion Means:</b>		DAM				
<b>Reservoir:</b>		ONSTREAM				

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWSESE	12	8S	57E	CARTER
<b>Diversion to Reservoir:</b> DIVERSION # 1					
<b>Depth:</b>		8.00 FEET			
<b>Surface Area:</b>		3.50 ACRES			
<b>Capacity:</b>		11.20 ACRE-FEET			

9. The volume, maximum acres, and place of use of Claim 39F 26518-00 should be described as follows:

**Volume:** 354.00 AC-FT  
**Maximum Acres:** 354.00  
**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	2.00		SEWNNE	36	8S	57E	CARTER
2	9.00		NENE	36	8S	57E	CARTER
3	6.00		SWNE	36	8S	57E	CARTER
4	38.00		SENE	36	8S	57E	CARTER
5	11.00		NESE	36	8S	57E	CARTER
6	44.00	10	SW	30	8S	58E	CARTER
7	34.00	11	SW	30	8S	58E	CARTER
8	10.00	12	SW	30	8S	58E	CARTER
9	11.00		SESE	30	8S	58E	CARTER
10	4.00		SEWNWS	29	8S	58E	CARTER
11	25.00		NESW	29	8S	58E	CARTER
12	24.00		NWSE	29	8S	58E	CARTER
13	7.00		NESE	29	8S	58E	CARTER
14	36.00		SWSW	29	8S	58E	CARTER
15	40.00		SESW	29	8S	58E	CARTER
16	38.00		SWSE	29	8S	58E	CARTER
17	14.00		SESE	29	8S	58E	CARTER
18	1.00		SWSWNE	29	8S	58E	CARTER
<b>Total:</b>	<b>354.00</b>						

10. The volume, maximum acres, point of diversion, and place of use of Claim 39F 27576-00 should be described as follows:

**Volume:** 237.00 AC-FT

**Maximum Acres:** 237.00

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	184.00		S2	28	8S	58E	CARTER
2	10.00		SWSWSW	27	8S	58E	CARTER
3	13.00		SESE	29	8S	58E	CARTER
4	29.00		NENE	32	8S	58E	CARTER
5	1.00		NESWNE	32	8S	58E	CARTER
<b>Total:</b>	<b>237.00</b>						

Point of Diversion No. 4 should be removed.

11. The volume, maximum acres, and place of use of Claim 39F 27578-00 should be described as follows:

**Volume:** 592.50 AC-FT

**Maximum Acres:** 395.00

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	12.00		SWSE	18	8S	58E	CARTER
2	3.00	12	SW	18	8S	58E	CARTER
3	7.00	1	NW	19	8S	58E	CARTER
4	20.00		NWNE	19	8S	58E	CARTER
5	35.00		NENE	19	8S	58E	CARTER
6	29.00	6	NW	19	8S	58E	CARTER
7	23.00		SWNE	19	8S	58E	CARTER
8	34.00		SENE	19	8S	58E	CARTER
9	7.00	8	SW	19	8S	58E	CARTER
10	20.00	7	SW	19	8S	58E	CARTER
11	14.00		NWSE	19	8S	58E	CARTER
12	5.00		NESE	19	8S	58E	CARTER
13	5.00	12	SW	19	8S	58E	CARTER

14	11.00	SWSE	19	8S	58E	CARTER
15	9.00	NWNW	20	8S	58E	CARTER
16	26.00	SWNW	20	8S	58E	CARTER
17	34.00	SENW	20	8S	58E	CARTER
18	4.00	E2NWSW	20	8S	58E	CARTER
19	12.00	NWNESW	20	8S	58E	CARTER
20	1.00	NESWSW	20	8S	58E	CARTER
21	14.00	SESW	20	8S	58E	CARTER
22	22.00	SWSE	20	8S	58E	CARTER
23	8.00	NWNW	29	8S	58E	CARTER
24	16.00	NENW	29	8S	58E	CARTER
25	24.00	SENW	29	8S	58E	CARTER
<b>Total:</b>		395.00				

12. The volume, maximum acres, and place of use of Claim 39F 27579-00 should be described as follows:

**Volume:** 382.00 AC-FT

**Maximum Acres:** 191.00

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	29.00		NENE	32	8S	58E	CARTER
2	13.00		SESE	29	8S	58E	CARTER
3	105.00		SW	28	8S	58E	CARTER
4	43.00		SE	28	8S	58E	CARTER
5	1.00		NESWNE	32	8S	58E	CARTER
<b>Total:</b>		191.00					

13. Claimant's proposed amendments would not likely adversely affect other water right owners.

14. The May 15, 1985 letter authored by the United States and referenced in an issue remark on Claim 39F 26509-00 was not an objection to the claim, but it proposed the following changes to the claimed legal land descriptions:

NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of sect.12, T. 8S., R. 57E.	X
SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of sect.12, T. 8S., R. 57E.	X
NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of sect.12, T. 8S., R. 57E.	X

15. The United States' November 9, 2022 response indicates agreement with Claimant's current proposed descriptions.

16. The issue remark on Claim 39F 27578-00 regarding priority dates references multiple dates in the Statement of Claim and attachments. The attachments to

the Statement of Claim include several notices of appropriation filed on various dates. An explanation of the irrigation system is also included in these attachments. Upon review, it seems the diversion shared by these appropriations is a dam and reservoir.

It is not apparent from the descriptions in these notices that the reservoir was expanded to increase the amount of water stored or conveyed to the place of use. It is possible that these notices describe additional conveyance structures to further spread water along the place of use. It seems that the dam functions by diverting, storing, or conveying all water on the claimed source. The claimed source is described as “dry” or ephemeral in several of these notices of appropriation.

17. The source issue remark on Claim 39F 27576-00 indicates the claim may be for four separate sources of water. Upon review, these sources and diversions are in close proximity to each other and tributary to the same downstream source. It appears the various diversions are part of one irrigation system.

18. The issue remarks should be removed.

### **APPLICABLE LAW**

1. A properly filed statement of claim is prima facie proof of its content. Section 85-2-227, MCA. The prima facie status of a claim may be overcome by a preponderance of the evidence. Section 85-2-227, MCA; Rule 19, W.R.Adj.R. A preponderance of the evidence is evidence that shows a fact is “more probable than not.” *Hohenlohe v. State*, 2010 MT 203, ¶ 33, 357 Mont. 438, 240 P.3d 628.

2. A claimant may move to amend their water right claim so that the claim more accurately represents historical use. Section 85-2-233, MCA; Rule 10, W.R.Adj.R. Notice to other water right owners may be required if the amendment would adversely affect other water rights. 85-2-233(6)(a)(i). Claimants wishing to amend their claim must overcome the prima facie status of the claim by a preponderance of the evidence. Section 85-2-227, MCA; Rule 19, W.R.Adj.R.

3. The Water Court must weigh an issue remark, and the information resulting in that issue remark, against the claimed water right. Section 85-2-247(2), MCA.

4. The Water Court must resolve all issue remarks not resolved through the objection process. Section 85-2-248, MCA. The Court must review information in the



claim file or obtained by the Court to determine if there is a sufficient basis to resolve the remarks. 85-2-248(3), MCA.

5. The Water Court has the authority to hear all objections to the elements of any claim included in a Court issued Temporary Preliminary Decree or Preliminary Decree. Section 85-2-233, MCA.

### **CONCLUSIONS OF LAW**

1. The changes described in the Findings of Fact may be made because the evidence in the record overcomes the prima facie status of the claim by a preponderance of the evidence.

2. The evidence in the record and the proposed changes provide the Court with a sufficient basis to resolve and remove each issue remark from each above-captioned claim.

### **RECOMMENDATIONS**

Based upon the above Findings of Fact and Conclusions of Law, this Master recommends that the Court make the changes specified in the Findings of Fact to correct the Preliminary Decree for this Basin. Post-decree Abstracts of Water Right Claims are served with this Report to confirm the recommended changes have been made in the state's centralized record system.

### **ELECTRONICALLY SIGNED AND DATED BELOW.**

#### **Service via USPS Mail:**

Pilster Ranch Corp  
55 Pilster Drive  
Alzada, MT 59311

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**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK**  
**BASIN 39F**

**Water Right Number:** 39F 26509-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** PILSTER RANCH CORP  
55 PILSTER DRIVE  
ALZADA, MT 59311

**Priority Date:** OCTOBER 15, 1946

**Type of Historical Right:** USE

**Purpose (use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

**Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

**Source Name:** ZIMMERMAN DRAW

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSESE	12	8S	57E	CARTER

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** DAM

**Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWSESE	12	8S	57E	CARTER

**Diversion to Reservoir:** DIVERSION # 1

**Depth:** 8.00 FEET

**Surface Area:** 3.50 ACRES

**Capacity:** 11.20 ACRE-FEET

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NWSESE	12	8S	57E	CARTER
2			SWNESE	12	8S	57E	CARTER

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK**  
**BASIN 39F**

**Water Right Number:** 39F 26518-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** PILSTER RANCH CORP  
55 PILSTER DRIVE  
ALZADA, MT 59311

**Priority Date:** OCTOBER 31, 1952

**Type of Historical Right:** USE

**Purpose (use):** IRRIGATION

**Irrigation Type:** WATER SPREADING

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

**Volume:** 354.00 AC-FT

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 354.00

**Source Name:** UNNAMED TRIBUTARY OF NORTH FORK WILLOW CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNE	36	8S	57E	CARTER
<b>Period of Diversion:</b>	FEBRUARY 15 TO NOVEMBER 15					
<b>Diversion Means:</b>	DIKE					
2	10	SW	30	8S	58E	CARTER
<b>Period of Diversion:</b>	FEBRUARY 15 TO NOVEMBER 15					
<b>Diversion Means:</b>	DIKE					
3	11	SW	30	8S	58E	CARTER
<b>Period of Diversion:</b>	FEBRUARY 15 TO NOVEMBER 15					
<b>Diversion Means:</b>	DIKE					
4		NESE	30	8S	58E	CARTER
<b>Period of Diversion:</b>	FEBRUARY 15 TO NOVEMBER 15					
<b>Diversion Means:</b>	DIKE					

**Period of Use:** FEBRUARY 15 TO NOVEMBER 15

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	2.00		SENWNE	36	8S	57E	CARTER
2	9.00		NENE	36	8S	57E	CARTER
3	6.00		SWNE	36	8S	57E	CARTER
4	38.00		SENE	36	8S	57E	CARTER

5	11.00		NESE	36	8S	57E	CARTER
6	44.00	10	SW	30	8S	58E	CARTER
7	34.00	11	SW	30	8S	58E	CARTER
8	10.00	12	SW	30	8S	58E	CARTER
9	11.00		SESE	30	8S	58E	CARTER
10	4.00		SENWSW	29	8S	58E	CARTER
11	25.00		NESW	29	8S	58E	CARTER
12	24.00		NWSE	29	8S	58E	CARTER
13	7.00		NESE	29	8S	58E	CARTER
14	36.00		SWSW	29	8S	58E	CARTER
15	40.00		SESW	29	8S	58E	CARTER
16	38.00		SWSE	29	8S	58E	CARTER
17	14.00		SESE	29	8S	58E	CARTER
18	1.00		SWSWNE	29	8S	58E	CARTER
<b>Total:</b>							
	354.00						

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**Remarks:**

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

26517-00

26518-00

27577-00

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK**  
**BASIN 39F**

**Water Right Number:** 39F 27576-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** PILSTER RANCH CORP  
55 PILSTER DRIVE  
ALZADA, MT 59311

**Priority Date:** NOVEMBER 2, 1938

**Type of Historical Right:** USE

**Purpose (use):** IRRIGATION  
**Irrigation Type:** WATER SPREADING

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

**Volume:** 237.00 AC-FT  
**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 237.00

**Source Name:** NELSON DRAW  
**Source Type:** SURFACE WATER

**Source Name:** UNNAMED TRIBUTARY OF GOMER DRAW  
**Source Type:** SURFACE WATER

**Source Name:** UNNAMED TRIBUTARY OF SOUTH FORK WILLOW CREEK  
**Source Type:** SURFACE WATER

**Source Name:** UNNAMED TRIBUTARY OF WILLOW CREEK  
**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESWNE	32	8S	58E	CARTER
<b>Source Name:</b> NELSON DRAW						
<b>Period of Diversion:</b> FEBRUARY 15 TO NOVEMBER 15						
<b>Diversion Means:</b> DIKE						
2		SWNWNW	33	8S	58E	CARTER
<b>Source Name:</b> UNNAMED TRIBUTARY OF WILLOW CREEK, SOUTH FORK						
<b>Period of Diversion:</b> FEBRUARY 15 TO NOVEMBER 15						
<b>Diversion Means:</b> DIKE						
3		SWNENW	33	8S	58E	CARTER
<b>Source Name:</b> UNNAMED TRIBUTARY OF WILLOW CREEK						
<b>Period of Diversion:</b> FEBRUARY 15 TO NOVEMBER 15						
<b>Diversion Means:</b> DIKE						

4	SESESW	28	8S	58E	CARTER
<b>Source Name:</b>	UNNAMED TRIBUTARY OF WILLOW CREEK				
<b>Period of Diversion:</b>	FEBRUARY 15 TO NOVEMBER 15				
<b>Diversion Means:</b>	DIKE				
5	SWSWSE	28	8S	58E	CARTER
<b>Source Name:</b>	UNNAMED TRIBUTARY OF WILLOW CREEK				
<b>Period of Diversion:</b>	FEBRUARY 15 TO NOVEMBER 15				
<b>Diversion Means:</b>	DIKE				
6	SESESE	28	8S	58E	CARTER
<b>Source Name:</b>	UNNAMED TRIBUTARY OF GOMER DRAW				
<b>Period of Diversion:</b>	FEBRUARY 15 TO NOVEMBER 15				
<b>Diversion Means:</b>	DIKE				
7	SWSWSW	27	8S	58E	CARTER
<b>Source Name:</b>	UNNAMED TRIBUTARY OF GOMER DRAW				
<b>Period of Diversion:</b>	FEBRUARY 15 TO NOVEMBER 15				
<b>Diversion Means:</b>	DIKE				
<b>Period of Use:</b>	FEBRUARY 15 TO NOVEMBER 15				

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	184.00		S2	28	8S	58E	CARTER
2	10.00		SWSWSW	27	8S	58E	CARTER
3	13.00		SESE	29	8S	58E	CARTER
4	29.00		NENE	32	8S	58E	CARTER
5	1.00		NESWNE	32	8S	58E	CARTER
<b>Total:</b>	237.00						

**Remarks:**

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

26515-00	27576-00	27579-00
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**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK**  
**BASIN 39F**

**Water Right Number:** 39F 27578-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** PILSTER RANCH CORP  
55 PILSTER DRIVE  
ALZADA, MT 59311

**Priority Date:** JANUARY 18, 1904

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION

**Irrigation Type:** WATER SPREADING

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

**Volume:** 592.50 AC-FT

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 395.00

**Source Name:** ZIMMERMAN DRAW

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	12	SW	18	8S	58E	CARTER

**Period of Diversion:** FEBRUARY 15 TO NOVEMBER 15

**Diversion Means:** DAM

**Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
12	SW	18	8S	58E	CARTER

**Diversion to Reservoir:** DIVERSION # 1

**Depth:** 10.00 FEET

**Surface Area:** 58.00 ACRES

**Capacity:** 232.00 ACRE-FEET

**Period of Use:** FEBRUARY 15 TO NOVEMBER 15

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	12.00		SWSE	18	8S	58E	CARTER
2	3.00	12	SW	18	8S	58E	CARTER
3	7.00	1	NW	19	8S	58E	CARTER
4	20.00		NWNE	19	8S	58E	CARTER
5	35.00		NENE	19	8S	58E	CARTER
6	29.00	6	NW	19	8S	58E	CARTER

7	23.00		SWNE	19	8S	58E	CARTER
8	34.00		SENE	19	8S	58E	CARTER
9	7.00	8	SW	19	8S	58E	CARTER
10	20.00	7	SW	19	8S	58E	CARTER
11	14.00		NWSE	19	8S	58E	CARTER
12	5.00		NESE	19	8S	58E	CARTER
13	5.00	12	SW	19	8S	58E	CARTER
14	11.00		SWSE	19	8S	58E	CARTER
15	9.00		NWNW	20	8S	58E	CARTER
16	26.00		SWNW	20	8S	58E	CARTER
17	34.00		SENW	20	8S	58E	CARTER
18	4.00		E2NWSW	20	8S	58E	CARTER
19	12.00		NWNESW	20	8S	58E	CARTER
20	1.00		NESWSW	20	8S	58E	CARTER
21	14.00		SESW	20	8S	58E	CARTER
22	22.00		SWSE	20	8S	58E	CARTER
23	8.00		NWNW	29	8S	58E	CARTER
24	16.00		NENW	29	8S	58E	CARTER
25	24.00		SENW	29	8S	58E	CARTER
<b>Total:</b>							
							395.00

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**Remarks:**

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

26516-00

27578-00



**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK**  
**BASIN 39F**

**Water Right Number:** 39F 27579-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** PILSTER RANCH CORP  
55 PILSTER DRIVE  
ALZADA, MT 59311

**Priority Date:** OCTOBER 31, 1971

**Type of Historical Right:** USE

**Purpose (use):** IRRIGATION

**Irrigation Type:** WATER SPREADING

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

**Volume:** 382.00 AC-FT

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 191.00

**Source Name:** NELSON DRAW

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENESE	32	8S	58E	CARTER

**Period of Diversion:** FEBRUARY 15 TO NOVEMBER 15

**Diversion Means:** DAM

**Reservoir:** ONSTREAM **Reservoir Name:** NELSON DRAW RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SENESE	32	8S	58E	CARTER

**Diversion to Reservoir:** DIVERSION # 1

**Depth:** 15.00 FEET

**Surface Area:** 24.50 ACRES

**Capacity:** 147.00 ACRE-FEET

**Period of Use:** FEBRUARY 15 TO NOVEMBER 15

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	29.00		NENE	32	8S	58E	CARTER
2	13.00		SESE	29	8S	58E	CARTER
3	105.00		SW	28	8S	58E	CARTER
4	43.00		SE	28	8S	58E	CARTER
5	1.00		NESWNE	32	8S	58E	CARTER

**Total:** 191.00

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**Remarks:**

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

26515-00                      27576-00                      27579-00

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

27566-00                      27579-00